IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 14441 of 2007(T)

PETITIONER:

VIJAYAN, S/O. KUNJAPPAN,
PARUTHI PAZHANJI VILA VEEDU, NEDUVANVILA,
MURIYANKARA DESOM, PARASSALA VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE,
STATE OF KERALA,THIRUVANANTHAPURAM.

3. CIRCLE INSPECTOR OF POLICE,
PARASSALA CIRCLE.

4. SUB INSPECTOR OF POLICE,
PARASSALA POLICE STATION, PARASSALA, NEYYATTINKARA

BY GOVERNMENT PLEADER SRI..M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.14441 of 2007

Dated this the 16th day of July, 2007

JUDGMENT

Petitioner is the defacto complainant in a crime registered under Section 379 I.P.C. The petitioner had promptly complained on 06.04.07 that his vehicle-a lorry, which was kept by the side of the road as usual, was thieved on the night of 29.03.07. A crime was registered on 6.4.07. Investigation is being conducted. The short grievance of the petitioner is that no proper investigation has been conducted by the 3rd and 4th respondents into his grievance that his vehicle has been thieved.

2. Notice was given. The learned Public Prosecutor has got a statement filed by the Investigating Officer. The statement of the Investigating Officer shows that the police is not too convinced about the version of the complainant that his lorry has been lost. Of course, they have not got any tangible material and have not been able to trace the vehicle so far. However, a perusal of the case diary shows that the Investigating Officer entertains a hunch that the petitioner has dismantled and disposed of the vehicle. Such course, it is suspected, was followed by him to frustrate the financier who had advanced money to him on the security of the vehicle. Registration certificate of the vehicle is allegedly kept in the possession of such

financier. Investigation is in progress. Nothing tangibgle has been unearthed so far. The Investigating Officer appears to be considering all options. But he appears to be gravitating to the inference that it was not a case of theft really and the petitioner may have been responsible for the clandestine disposal of the vehicle.

3. Investigation is not complete and it is too early to express any opinion on the acceptability of the apprehensions/tentative inferences reached by the Investigating Officer. To rule out the theory of theft and to confirm the theory of clandestine disposal by the petitioner, certainly more materials must be collected. The Investigating Officer in his report submits that he is doing the needful and he expects to resolve the crime and file a final report - positive or negative, as expeditiously as possible.

4. The prayer under Section 482 Cr.P.C is made for a direction to transfer the investigation to someoneelse. The learned Government Pleader was directed to place the case diary before me. I have perused the case diary. I shall scrupulously avoid any detailed discussion on the acceptability of the tentative apprehensions, conclusions and inferences of the Investigating Officer. Suffice it to say that I find merit in the submission of the Investigating Officer that some further time deserves to be granted to him to complete the investigation and file an appropriate final report. I am satisfied that

the Superintendent of Police, Trivandrum (Rural), who is expected to exercise supervisory control over the investigation by the 3rd respondent must be directed to monitor and supervise the investigation by the 3rd respondent and ensure that an acceptable final conclusion is reached as expeditiously as possible.

5. In the result, this Writ petition is, allowed in part. The 3rd respondent is given further time to complete the investigation expeditiously. There shall be a direction to the Superintendent of Police, Trivandrum(Rural) to effectively monitor and supervise the investigation of the 3rd respondent into this crime.

6. Hand over a copy of this order to the learned Public Prosecutor for immediate communication to the Superintendent of Police, Trivandrum (Rural).

(R.BASANT, JUDGE)

rtr/-